

PUBLIC MEETING

June 1, 2010

MINUTES

Chairman Mike Murray called the meeting to order at 9 a.m.

Commissioners Derek Brown and Andy Hunthausen were present. Others attending all or a portion of the meeting included Eric Bryson, Kelly Blake, Katie Jerstad, K. Paul Stahl, Jack Walsh, Cheryl Green, Nancy Everson, Audra Zacherl, Kyle Thomas, Misty Edwards, Laura Erikson, Christal Ness, Mike Henderson, and Carole Byrnes, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Resolution 2010-175 Ordering a Refund of Taxes/Fees/Assessments Paid by Russell and Dorothy Foreman, Trustees, in the Amount of \$137.77. (Cheryl Green)
- b. Resolution 2010-176 Ordering a Refund of Taxes/Fees/Assessments Paid by Rio Group LLC in the Amount of \$90.64. (Cheryl Green)
- c. Resolution 2010-177 Ordering a Refund of Taxes/Fees/Assessments Paid by Martin W. and Mary C. Holt in the Amount of \$575.74. (Cheryl Green)
- d. Resolution 2010-178 Ordering a Refund of Taxes/Fees/Assessments Paid by John H. and M. Flavia Morgan in the Amount of \$77.39. (Cheryl Green)
- e. Resolution 2010-179 Ordering a Refund of Taxes/Fees/Assessments Paid by Martin W. and Mary C. Holt in the Amount of \$189.26. (Cheryl Green)
- f. Resolution 2010-180 Declaring County Property Surplus Property (Amy Reeves)
- g. Resolution 2010-181 Ordering a Refund of Taxes/Fees/Assessments Paid by Kathryn M. Bramer and John W. Flink in the Amount of \$62.11. (Cheryl Green)
- h. Resolution 2010-182 Ordering a Refund of Taxes/Fees/Assessments Paid by Katherine L. Tomaskie in the Amount of \$156.04. (Cheryl Green)
- i. Resolution 2010-183 Ordering a Refund of Taxes/Fees/Assessments Paid by Paul A. Leite in the Amount of \$37.47. (Cheryl Green)
- j. Resolution 2010-184 Ordering a Refund of Taxes/Fees/Assessments Paid by Rosemarie Strobe in the Amount of \$141.94. (Cheryl Green)
- k. Resolution 2010-185 Ordering a Refund of Taxes/Fees/Assessments Paid by Rosemarie Strobe in the Amount of \$567.77. (Cheryl Green)
- l. Federal Fiscal Year 2010 State of Montana Emergency Management Performance Grant (EMPG) Program Application. (Paul Spengler)
- m. Task Order No. 11-07-1-01-013 to Lewis & Clark County Unified Gov't. Master Contract Covering 7/1/05-6/30/12 to Provide \$15,000 to the City-County Health Dept. - Communicable Disease Control Division for Implementation of Quality Improvement Activities. (Melanie Reynolds)
- n. State of Montana Intergovernmental Agreement for Transfer of Monies to the State by L&C County for FY2010 for One-Time, Lump Sum Payment of Medicaid Monies for "At Risk" County Affiliated Nursing Facilities. (Nancy Everson)
- o. Lewis & Clark County Sheriff's Office License to United States of America, Dept. of the Air Force 341st Space Wing for Property Use Located at Sunset Communication

- Site. (Dave Rau)
- p. Resolution 2010-187 Ordering the Cancellation of Personal Property Taxes That Have Been Delinquent for 5 Years. (Cheryl Green)
 - q. Resolution 2010-188 Ordering the Cancellation of Real Property Taxes That Have Been Delinquent for 10 Years or More. (Cheryl Green)
 - r. Resolution 2010-192 Requesting Prosecutorial Assistance (Leo Gallagher)
 - s. Proposed Grizzly Gulch Road Improvement Work/Easement Project STPHS 25(41). (Eric Griffin)
 - t. CTEP Application – Renovation of Ashley & Weingartner Building, 222 East Broadway, (Laura Erikson)
 - u. MT Dept. of Natural Resources and Conservation – MT Renewable Resource Project Planning Grant Agreement No. RPG-10-0246 in the Amount of \$20,000 for Old Hwy 12 (East Helena) Wastewater System Improvements. (Laura Erikson)

Eric Bryson read the consent action items and recommended approval.

No public comments were received.

Commissioner Brown moved to approve the consent items and authorized the Chair to sign. Commissioner Hunthausen seconded the motion and it carried 3-0.

Encroachment Permit Application – Commercial Sign. (Applicant: Ron Adams) (Planner: Kelly Blake) The applicant has requested an Encroachment Permit for a commercial sign at the intersection of (Little) Wolf Creek Road and Hwy. 434 northwest of Wolf Creek, Montana. The commercial sign is located within the County road easement of (Little) Wolf Creek Road and approximately three miles northwest of Wolf Creek and Interstate 15.

The Commissioners will consider the request.

Kelly Blake presented the staff report. The sign is located approximately 19 feet from centerline of Little Wolf Creek Road, approximately 7 feet from the shoulder of LWC Road. County public works is concerned that the sign poses a threat to the traveling public. The county maintains the road. The planning department recommended that the commission render a decision on Thursday, June 3 to deny the request and that Mr. Adams remove the sign within 60 days by order of the BOCC.

No public comment was received.

Commissioner Brown moved to render a decision on Thursday, June 3. Commissioner Hunthausen seconded the motion and it carried 3-0.

Boyer Request to Use Family Exemption. (Applicant: Jeff Boyer) (Hearing held 5/20/10) The Commissioners will render a decision.

Commissioner Brown moved the record established and incorporate into today's public

record. Commissioner Hunthausen seconded the motion and it carried 3-0.

Commissioner Brown moved to approve the application based on the appeal. Commissioner Hunthausen seconded the motion for discussion. Commissioner Brown explained the basis of his decision. Commissioners Hunthausen and Murray felt this division should go through subdivision review.

The motion failed 2-1. Commissioners Murray and Hunthausen opposed the motion.

Public Hearing. Resolution 2010-186 – A Resolution of Intention to Establish the Lewis and Clark County Landfill Tipping Fee Rates Beginning July 1, 2010. (Audra Zacherl) The Commission will consider the resolution.

Audra Zacherl presented the staff report. One correction to the agenda was noted, this is not a public hearing. The public hearing will be held on June 22 at 9 a.m. Staff recommended that the Commission approve the resolution and set the public hearing date.

Commissioner Brown moved to approve the resolution scheduling the public hearing for June 22 and authorized the Chair to sign. Commissioner Hunthausen seconded the motion and it carried 3-0.

Public Hearing. Resolution 2010-189 – A Resolution of Intention to Increase the Solid Waste Disposal Fee Established by the Scratch Gravel Solid Waste District, Beginning July 1, 2010. (Audra Zacherl) The Commission will consider the resolution.

Audra Zacherl presented the staff report. One correction to the agenda was noted, this is not a public hearing. The public hearing will be held on June 22 at 9 a.m. The cashflow spreadsheet shows the need for the increase. Staff recommended that the Commission approve the resolution and set the public hearing date.

Commissioner Brown moved to approve the resolution scheduling the public hearing for June 22 and authorized the Chair to sign. Commissioner Hunthausen seconded the motion and it carried 3-0.

Resolution 2010-195 – A Resolution of Intention to Increase the Solid Waste Disposal Fee as Recommended by the Lincoln Solid Waste District. (Misty Edwards) The Commission will consider the resolution.

Misty Edwards presented the staff report. The purpose of this resolution was to cover the rising costs for solid waste disposal for Lincoln residents. The solid waste board approved a \$15 increase in the annual assessment rate from \$95 per year to \$110 per year. Five dollars of this increase is to be restricted for a new building. Other fee changes are also included in the resolution. Staff recommended approval of the resolution and schedule the public hearing date for June 22 at 9 a.m.

No public comment was received.

Commissioner Hunthausen moved to approve the resolution scheduling the public hearing for June 22 and authorized the Chair to sign. Commissioner Brown seconded the motion and it carried 3-0.

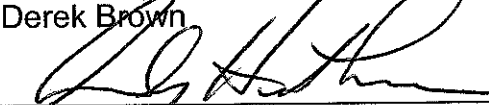
Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. The Commissioners acknowledged that today is Mrs. Hunthausen's birthday.

There was no other business, the meeting adjourned at 9:57 a.m.

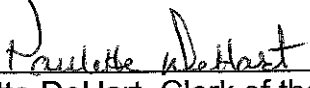
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Derek Brown


Andy Hunthausen

ATTEST:


Paulette DeHart, Clerk of the Board